

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ROANOKE DIVISION**

CLEVELAND SOUTHERS,)	
Petitioner,)	Civil Case No. 7:12cv00422
)	
v.)	<u>FINAL ORDER</u>
)	
CARL A. MANIS,)	By: Norman K. Moon
Respondent.)	United States District Judge

In accordance with the memorandum opinion entered this day, it is hereby **ORDERED** that this action, pursuant to 28 U.S.C. § 2254, is **DISMISSED without prejudice** and is **STRICKEN** from the active docket of the court.

Further, finding that Southers has failed to make a substantial showing of the denial of a constitutional right as required by 28 U.S.C. § 2253(c)(1), a certificate of appealability is **DENIED**.

The Clerk of the Court is directed to send a copy of this order and the accompanying memorandum opinion to petitioner.

ENTER: This 27th day of September, 2012.



NORMAN K. MOON
UNITED STATES DISTRICT JUDGE